

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WADE N. SCOTT,

Petitioner,

vs.

CASE NO. 08-11558
HON. LAWRENCE P. ZATKOFF

CATHERINE S. BAUMAN,

Respondent.

OPINION AND ORDER

Presently before the Court is Petitioner's "Motion for Permission to Respond to Magistrate's Report and Recommendation and to Set Aside the Opinion and Order by the Court Adopting Magistrate's Report and Recommendation" (Docket #11).

In this case, Magistrate Judge Paul J. Komives issued a Report and Recommendation regarding the application for writ of habeas corpus filed by Petitioner, wherein Magistrate Judge Komives recommended that Petitioner's application for the writ of habeas corpus be denied. Petitioner did not file any timely objections to the Report and Recommendation. After a thorough review and consideration of the court file and the Report and Recommendation, this Court adopted the Report and Recommendation and entered it as the findings and conclusions of this Court. Two months later, Petitioner's counsel filed the above-mentioned motion, wherein he asserts that he did not receive a copy of the Report and Recommendation or the Court's Opinion and Order adopting the Report and Recommendation.

In reviewing Petitioner's motion, the Court concludes there is no reason to set aside the Opinion and Order adopting the Report and Recommendation. Petitioner seeks to file objections to the findings and conclusions reached by the Court (as set forth in the Report and Recommendation). In other words, Petitioner essentially requests permission to file a motion for reconsideration. Although the time permitted for such a motion passed months ago, in the interests

of: (a) judicial economy, (b) allowing Petitioner to fully argue his position, and (c) enabling the Court to fully consider all arguments in relation to Petitioner's petition, the Court shall permit Petitioner to file a motion for reconsideration. Such motion for reconsideration must, however, be filed on or before October 28, 2010, to be considered.

Accordingly, for the reasons set forth above:

1. Petitioner's "Motion for Permission to Respond to Magistrate's Report and Recommendation and to Set Aside the Opinion and Order by the Court Adopting Magistrate's Report and Recommendation" (Docket #11) is DENIED; and
2. Petitioner may file a motion for reconsideration on or before October 28, 2010.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: October 15, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on October 15, 2010.

s/Marie E. Verlinde
Case Manager
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